

Federal law allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. Id. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction.

1 See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993);
2 Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

3 Here, Petitioner challenges a conviction and sentence incurred
4 in the Solano County Superior Court, which is in the venue of the
5 Eastern District of California. See 28 U.S.C. § 84. Accordingly,
6 that is the proper venue for this action.

7 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and
8 in the interest of justice, the Clerk of the Court is ordered to
9 TRANSFER this action forthwith to the United States District Court
10 for the Eastern District of California.

11 All remaining motions are TERMINATED on this Court's docket as
12 no longer pending in this district.

13 IT IS SO ORDERED.

14 Dated: September 23, 2009



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FLOYD S. HALL,

Plaintiff,

v.

LARRY SMALLS et al,

Defendant.

Case Number: CV09-03850 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 23, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Floyd S. Hall F-45808
La Palma Correctional Center
5501 North La Palma Road
Eloy, AZ 85231

Dated: September 23, 2009

Richard W. Wieking, Clerk
By: Clara Pierce, Deputy Clerk